

Remarks

The presently pending claims are directed to an invention in which a video segment can be shared over a computer network along with advertisements selected by a sender of the video segment.

Claim Rejections – 35 USC § 112

The examiner has rejected claim 1 under 35 U.S.C. § 112, ¶ 2 as failing to point out and distinctly claim the subject matter regarded as the invention. More particularly, the examiner has asserted that element (d), as set out below, includes an ambiguous reference to what is received from a “sender”:

accepting from the sender the indication of a selection of the advertisement to be associated with the video segment, the video segment and the advertisement to be sent over the computer network;

The applicant submits that this language is clear. The terminal portion of this element, “the video segment and the advertisement to be sent over the computer network”, simply clarifies, in the context of element (d) that the video segment (which has already been identified in the claim) and the advertisement (which has already been identified in the claim) are both to be sent over a computer network. In fact, this is what occurs explicitly in the final element, (e)(iv), “sending the video segment . . . and the associated advertisement over the computer network . . .” Nonetheless, in deference to the examiner’s illustration of the potential for ambiguity, the applicant has removed the offending claim language. As indicated above, this revision does not affect the scope of the claim in any manner. The applicant respectfully requests that the examiner withdraw this rejection of claim 1, as amended.

The examiner has also rejected claim 4 as lacking sufficient antecedent basis. Applicant acknowledges the error. Claim 4 has been amended to explicitly refer to the computer system of claim 1. The applicant respectfully requests that the examiner withdraw this rejection of claim 4, as amended.

Claim Rejections – 35 USC § 102

The examiner has rejected the independent claim 1 as anticipated by U.S. Pat. No. 6,546,555 to Hjeslvold (“Hjeslvold”).

Hjesvold discloses a system for *selling* video content. “The present invention relates to . . . providing customers access through a communications network to digital video information stored on a merchant’s server.” Col. 1, l. 9-12. As summarized in the first sentence of the Abstract, Hjesvold discloses a “system for *selling digital video information* over a communications network . . .” Abstract (emphasis added). The purchasing models, as explicitly set out in Hjesvold, include one that “enables a customer to subscribe to different qualities of information”, and a second that “allows the customer to select and purchase” information on demand. Col. 12, l. 48-59. This is fundamentally different from the applicant’s invention.

By contrast, the present invention relates to an ad-supported system for sharing video. “An advertiser can be charged a fee for posting and/or storing an advertisement, for associating the advertisement with the video segment,” and so forth. Page 17, l. 19-22. In addition to supporting costs of the video sharing platform, advertisement revenues may be employed to induce participation by end users. “[T]here are many ways that senders 40 and viewers 92 of advertisements may be induced to participate [including] paying a sender 40 a set price . . . and paying a viewer 92 for viewing an advertisement.” Page 18, l. 7-11.

In operation, the claimed method includes receiving a selection of an advertisement from a sender, and *in response to this selection* (or, in the rubric of the claim, “in response to the indication accepted in step (d)”), *automatically* associating the video segment and the advertisement, and sending the video segment and the associated advertisement to a receiving computer system. Nowhere does Hjesvold teach or suggest automatically associating a video segment and an advertisement, and sending the video segment and advertisement, in response to a sender’s selection of an advertisement. To the contrary, Hjesvold teaches a system that explicitly sends media *in response* to a purchase request by a customer. See, e.g., Col. 8, l. 10-24 (“In the next step, step 3, the customer makes a selection and the SET payment transaction is launched. The calculated prices are presented to the customer along with information describing the alternative versions of the selected video”).

Hjesvold does not teach or suggest a system that responds to a sender’s selection of an advertisement by sending the advertisement and a streaming video as claimed in

claim 1. Because none of the references cited by the examiner teach or suggest this feature, either alone or in combination, they cannot anticipate claim 1, or render claim 1 obvious.

Because claim 1 is patentable over the art of record, claims 2-6 depending therefrom are also patentable. The applicant asks that the examiner reconsider the rejection of these claims.

Claim Rejections – 35 USC § 103

The examiner has rejected independent claim 7 and independent claim 13 as obvious over Hjelsvold in view of U.S. Pat. No. 6,774,926 to Ellis et al. (“Ellis”).

However, Ellis does not bridge the gap left by Hjelsvold. In fact, Ellis provides no teaching of advertisements whatsoever, except for a solitary reference to interactive advertisements that may be included in a program guide. Col. 10, l. 45-49. Ellis certainly does not teach sending a video segment in response to a sender’s selection of an advertisement for association with the video segment.

For the reasons given above, independent claim 7 and independent claim 13 cannot be anticipated or rendered obvious by either of these references, either alone or in combination. More specifically, claim 7 recites a step of “transmitting from the sender computer an indication of an intent to send the video segment and [an] advertisement over [a] computer network, the indication causing the server computer system automatically to . . . associate the video segment and the advertisement; and . . . send the video segment, the identifier, and the associated advertisement over the computer network to a receiving computer system.” Claim 13 has been amended to clarify this relationship between a tenth module, which receives an indication to associate a video segment and an advertisement, with an eleventh module, which assures a streaming format, and a twelfth module, which sends the video segment and associated advertisement.

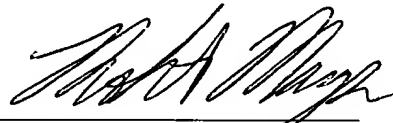
The prior art of record does not teach or suggest automatically associating an advertisement with a video segment and sending the video segment and associated advertisement *in response to a sender’s selection of an advertisement*. Therefore, the prior art cannot anticipate the invention as claimed, or render any of the claims obvious.

Because independent claims 7 and 13 are patentable over the art of record, the claims depending therefrom are also patentable. The applicant asks that the examiner reconsider the rejection of these claims.

Conclusion

As the claims are believed to be in condition for allowance, the applicant respectfully requests that the Examiner reconsider the rejections and issue a Notice of Allowance for all of the presently pending claims. The Examiner is encouraged to contact the undersigned if there are any questions concerning this paper.

Respectfully submitted
STRATEGIC PATENTS, P.C.



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